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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

Adv. Pro. No. 10-05210 (SMB)

v.

BOARD OF TRUSTEES, ENGINEERS JOINT  
PENSION FUND LOCALS 17, 106, 410, 463, 545  
AND 832, INTERNATIONAL UNION OF  
OPERATING ENGINEERS, A.F.L.-C.I.O.;  
THOMAS E. CHARLES, as trustee; THERON H.  
HOGLE, as trustee; CLYDE J. JOHNSTON, JR.,  
as trustee; DANIEL J. McGRAW, as trustee;

ROBERT JONES, as trustee; ROCKNE BURNS,  
as trustee; EARL N. HALL, as trustee; ROBERT F.  
HILL, as trustee; JAMES C. LOGAN, as trustee;  
and EUGENE D. HALLOCK, III, as trustee,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF ADVERSARY  
PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Board of Trustees, Engineers Joint Pension Fund Locals 17, 106, 410, 463, 545 and 832; International Union of Operating Engineers, A.F.L.-C.I.O.; Thomas E. Charles, as trustee; Theron H. Hogle, as trustee; Clyde J. Johnston, Jr., as trustee; Daniel J. McGraw, as trustee; Robert Jones, as trustee; Rockne Burns, as trustee; Earl N. Hall, as trustee; Robert F. Hill, as trustee; James C. Logan, as trustee; and Eugene D. Hallock, III, as trustee (collectively, “Defendants”), by and through their counsel, Slevin & Hart, P.C. (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 3, 2010, the Trustee filed and served the Complaint against Defendants.
2. On June 18, 2011, Defendants served an answer on the Trustee.
3. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to dismissing the adversary proceeding with prejudice since the claims relate solely to alleged six year fictitious profits.
4. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and

parties of interest.

5. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 8, 2015

Of Counsel:

**BAKER & HOSTLER LLP**

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*Attorneys for Defendant*

SO ORDERED

Dated: July 8<sup>th</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE